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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,853	11/12/2003	Matthew Telles	Telles-001	6077

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EXAMINER

VALENTI, ANDREA M

ART UNIT PAPER NUMBER

3643

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/706,853

Applicant(s)

TELLES, MATTHEW

Examiner

Andrea M. Valenti

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NW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,101,109 to Edwards in view of U.S. Patent Des. 228,360 to Sunshine.

Regarding Claim 1, Edwards teaches hanger adapted for retaining and hanging objects, the hanger comprising: a ring (Edwards #54); at least two upper flexible members (Edwards #51 and 52) having first and second ends, wherein each member is received through an aperture of said ring (Edwards Fig. 1), said flexible members defining an upper portion of said hanger; a lower hanger portion, said lower hanger portion including of at least two lower flexible members (Edwards #51 and 52 below elements #55 and 59) having first and second ends, the first and second ends including an adjustment means (Edwards #55 and 59) configured to receive said second ends of said upper flexible members and a flexible retaining ring, said flexible retaining ring configured to receive said first and second ends of said lower flexible members, wherein said retaining ring (Edwards #61, 71, 74, 48, 47) is configured to retain said ends of said lower flexible members at a distance spaced apart from one another.

Edwards is silent on each of the two members are fixedly attached to each other at a midpoint. However, Sunshine teaches a hanger adapted for retaining objects,

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which the lower flexible members are fixedly attached at a midpoint (Sunshine Fig. 1). It would have been obvious to one of ordinary skill in the art to modify the teachings of Edwards with the teachings of Sunshine since the modification is merely the selection of a known alternate equivalent means of harnessing modified to provide additional support to the center of the object and does not present a patentably distinct limitation.

Regarding Claims 2 and 3, Edwards as modified teaches flexible members, but is silent on nylon. However, it would have been obvious to one of ordinary skill in the art to modify the teachings at the time of the invention since the modification is merely the selection of a known material for intended use selected as an engineering design choice to achieve certain design parameters such as cost [Leshin 125 USPQ 416].

Regarding Claim 4, Edwards as modified teaches wherein said flexible retaining ring has an adjustable length (Edwards #64).

Regarding Claim 5, Edwards as modified teaches the upper and lower flexible members are cylindrical in cross-section (Sunshine Fig.1-4).

Regarding Claim 6, Edwards as modified is silent on the ring is constructed of a material chosen from the group consisting of steel, stainless steel, titanium, ceramic, plastic. However, it would have been obvious to one of ordinary skill in the art to modify the teachings at the time of the invention since the modification is merely the selection of a known material for intended use selected as an engineering design choice to achieve certain design parameters such as cost [Leshin 125 USPQ 416].

Regarding Claim 7, Edwards as modified teaches the lower hanger portion is configured to retain a plant container (Sunshine title).

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Regarding Claim 8, Edwards as modified teaches the lower hanger portion is configured to retain an audio loudspeaker (Edwards title).

Regarding Claim 9, Edwards as modified teaches the said adjustment means is a buckle (Edwards #55 and 59).

Regarding Claims 10 and 16, Edwards as modified teaches the broadly presented limitation that the container supporting member further including a third flexible support member, wherein said third flexible member (Edwards #62) is configured to be fixedly attached adjacent to the first and second ends of said flexible members comprising said container supporting member.

However, it can also be viewed that the addition of a third flexible member is an obvious modification to one of ordinary skill in the art since the modification is merely the duplication of a known element for a multiple effect performing the same intended function modified for heavier objects or objects with unusual configurations.

Regarding Claim 11, Edwards as modified teaches said flexible upper members further include means configured to adjust said length of said members disposed through said aperture of said ring (Edwards #55 and 59).

Regarding Claim 12, Edwards as modified is silent on a material chosen from the group consisting of nylon webbing, a cotton webbing, leather, plastic webbing, nylon rope, cotton rope, steel rope, steel webbing, chain and textile. However, it would have been obvious to one of ordinary skill in the art to modify the teachings at the time of the invention since the modification is merely the selection of a known material for intended

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use selected as an engineering design choice to achieve certain design parameters such as cost [Leshin 125 USPQ 416].

Regarding Claim 13, Edwards as modified is silent on said flexible member of container support member are constructed of a material chosen from the group consisting of: nylon webbing, cotton webbing, Leather, plastic webbing, nylon rope, cotton rope, steel rope, steel webbing, chain and textile. However, it would have been obvious to one of ordinary skill in the art to modify the teachings at the time of the invention since the modification is merely the selection of a known material for intended use selected as an engineering design choice to achieve certain design parameters such as cost [Leshin 125 USPQ 416].

Regarding Claim 14, Edwards as modified teaches the third flexible member forms a **generally** cylindrical shaped member (Edwards #62).

Regarding Claim 15, Edwards as modified teaches the third flexible member further includes a length adjustment member (Edwards #65).

Regarding Claim 17, Edwards as modified is silent on the first ring is constructed of a material selected from the group consisting of ferrous metals, non-ferrous metals, plastics, composites and ceramics. However, it would have been obvious to one of ordinary skill in the art to modify the teachings at the time of the invention since the modification is merely the selection of a known material for intended use selected as an engineering design choice to achieve certain design parameters such as cost [Leshin 125 USPQ 416].

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Regarding Claim 18, Edwards as modified is silent on including an insulated cooler disposed with in the container supporting member. However, it would have been obvious to one of ordinary skill in the art to modify the teachings of Edwards at the time of the invention since the modification is merely the selection of an alternate article to store in a suspended state for an efficient use of space to keep food at an elevated location does not present a patentably distinct limitation. It is old and notoriously well-known to support various articles of shapes and sizes in a suspended state and merely selecting one article versus another article is an obvious modification to one of ordinary skill in the art.

Regarding Claim 19, Edwards as modified teaches the ends of the upper flexible members include a buckle portion (Edwards #55 and 59) disposed thereon and the container support members further includes a buckle portion (Edwards the apertures in the lower strap members that the pin of the buckle goes through) disposed on the ends of the flexible members thereon, wherein each of the buckle portions are configured to detachably receive one another.

Response to Arguments

Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea M. Valenti whose telephone number is 703-305-3010. The examiner can normally be reached on 7:30am-5pm M-F; Alternating Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 703-308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Andrea M. Valenti
Patent Examiner
Art Unit 3643

08 November 2004



Peter M. Poon
Supervisory Patent Examiner
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